# 1982 Annual Report

# human Rights

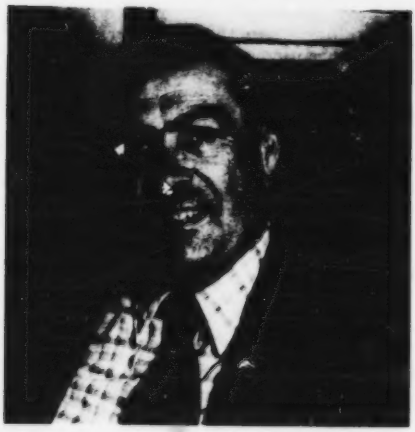
# are for Everyone

COVER: Human Rights Poster Contest (1980) First Prize Winner,
By Josephine Kenchenten, 12, Residing on Gabriola Island

*To the Honourable*
*Henry P. Bell-Irving, D.S.O., O.B.E., E,D.,*
*Lieutenant Governor of the Province of*
*British Columbia*

*May it please your Honour:*

*The Annual Report of the Human Rights Commission and the Human Rights Branch for the year 1982 is herewith respectfully submitted.*



*The Honourable R.H. McClelland*
*Minister*

*Office of the Minister of Labour*
*December 31, 1982*

*To: The Honourable R. H. McClelland*
*Minister of Labour*
*Parliament Buildings*
*Victoria, B.C.*

*Sir:*
*We are pleased to forward to you the Annual Report of the Human Rights Commission and the Human Rights Branch for the calendar year ending December 31, 1982.*

Charles B. Paris

*Chairperson*
*Human Rights Commission*

Dianne Jansen

*Director*
*Human Rights Branch*

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# Human Rights Commission
# 1982 Annual Report

## ROLE OF THE COMMISSION

The Human Rights Commission is composed of citizens appointed by order-in-council on the recommendation of the government. The Commission is funded by the provincial government and reports to the legislature through the Minister of Labour who is the fiscal agent of the Commission. The Director of the Human Rights Branch, who is also the Chief Executive Officer of the Human Rights Commission, is accountable for the budget and staff of both Branch and Commission. The Chief Executive Officer/Director also sits as a non-voting member of the Commission.

The Human Rights Code of British Columbia, enacted in 1973 and given Royal assent in 1974, charges the Human Rights Commission with the following responsibilities:

1. **Promoting the principles of the Human Rights Code;**
2. **Promoting an understanding of and compliance with the Human Rights Code;**
3. **Developing and conducting educational programs designed to eliminate discriminatory practices; and**
4. **Encouraging and coordinating programs and activities which promote human rights and fundamental freedoms.**

In addition, the Commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals. The Commission has been actively engaged this year in establishing guidelines and criteria for such programs consistent with its mandate.

The educational work of the Commission is based on the philosophy that the Human Rights Code will be most effective when people are thoroughly informed of their rights as individuals, and of their responsibility for ensuring that other people enjoy the same rights. The Commission therefore initiates and encourages community projects and public information programs that advance the cause of human rights.

# CHAIRPERSON'S REMARKS

In 1982, we as Canadians witnessed an historic event at the national level — the patriation of the Canadian Constitution. One of the most significant features of the Constitution is the Charter of Rights and Freedoms. The rights and freedoms that Canadians have taken for granted over the years have now been enshrined in the Constitution.

In British Columbia at the community level, the Human Rights Commission as one of its 1982 priorities held a series of public meetings throughout the province. The purpose of these meetings was to acquaint the Commissioners with local concerns and issues, and to stimulate public awareness of the Human Rights Commission and the Human Rights Branch throughout the province. The Human Rights Commission will publish a report early in 1983 focusing on the issues raised at these public meetings.

The Commission meets monthly and deals with a number of matters referred to it by various members of the community. 1982 brought about a major change for the Human Rights Commission; the office of the Commission was relocated to Vancouver so that the Commission and individual Commissioners would be more accessible to the community.

During 1982, the Commission established working relationships with its first Advisory Committee, the Advisory Committee of Native Indian people. In addition, the Commission met with the B.C. Human Rights Coalition. We look forward to 1983 and to working with dedicated citizens representing a variety of constituency groups. We intend, as a Commission, to keep our commitment to the people of British Columbia by continuing to work for the legal protection of the rights of all British Columbians.

Since the first Fair Employment Practices Act passed in 1956, great steps have been made in British Columbia toward the full protection of human rights for all people. The journey, however, has not ended. Human Rights principles and Human Rights legislation are too vital to be taken for granted.

CHARLES B. PARIS, S.T.D.

# COMMISSIONERS

**Charles Paris (Chairperson)**

Well-known for his community development work in the area of race relations and for his role in organizing a number of school programs to promote interfaith and intercultural understanding. Prior to joining the Canadian Council of Christians and Jews, Dr. Paris taught theological studies at Concordia University (Loyola Campus) in Montreal and served as Director of Religious Education for the Archdiocese of Vancouver.

**Gloria George**

Served as Commissioner of the Canadian Human Rights Commission; former Secretary-Treasurer, Vice-President and President of the Native Council of Canada in Ottawa.

**Bijou Kartha**

Served as Director of the Vancouver Multicultural Society and Chairperson of the Human Rights and Race Relations Committee of the National Association of Canadians of Origins in India (NACOI); President of NACOI, B.C. Chapter.

**Renate Shearer**

Former member of the Board of Directors of MOSAIC, supervisor of staff at the City of Vancouver Refugee Centre, and former Chairperson of the Management Coordinating Committee of the Immigrant Services Centre.

The Human Rights Commission is located at:

700 West Georgia Street, Room 540,
Vancouver, B.C.

Mailing Address:

P.O. Box 10276 Pacific Centre
Vancouver, B.C. V7Y 1E8

Telephone Number: 668-3057

# ONGOING ACTIVITIES

## Grants

The Human Rights Commission recognizes the importance of encouraging community groups to engage in activities and programs which promote human rights. While the Commission aids community groups by approving grants, the groups are also helping to carry out work related to the aims of the Commission. In 1982, the following grants for human rights projects were approved:

*Human Rights Symposium Committee*
— To hold a symposium on human rights legislation.

*Hy Perspectives Media Group*
— To develop education video material for new Canadians.

*Island Gay Community Center*
— For community education.

*National Association of Women and The Law*
— To hold a conference on women in the workforce.

*Okanagan Womens' Coalition*
— To hold a conference founding the B.C. Human Rights Coalition.

*Pitt Meadows Parent Teacher Organization*
— To hold a 'Human Rights Week' with parents, teachers and children.

*South Vancouver Island Association*
— For children with learning disabilities, to hold seminars and training sessions on learning disabilities.

*Vancouver Native/Police Liaison Committee*
— To hold a conference on 'Natives & the Law' — an examination of Native people and the justice system.

*Vancouver School Board*
— To hold a leadership camp for high school students on race relations and multicultural education. Sixty-five students from different schools and different cultures attended the five day Camp. The program was designed to stimulate an awareness of race relations in the community and to help students develop leadership skills that would enable them to organize intercultural activities in their schools and communities.

## Public Meetings

In 1982, the Commission held a series of meetings to talk with the people of British Columbia and to hear their concerns and recommendations about Human Rights in the province. The Commission will publish a three-part report early in 1983 focusing on the issues raised at these meetings.

Schedule of meetings:

**VICTORIA** - March 29, 1982
**PORT ALBERNI** - March 30, 1982
**NELSON** - May 17, 1982
**KELOWNA** - May 18, 1982
**PRINCE GEORGE** - May 25, 1982
**WILLIAMS LAKE** - May 26, 1982
**VANCOUVER** - June 17 & 18, 1982
**VANCOUVER** - May 21, 1982

In addition to the large public meetings, the Commissioners have met regularly with representatives of special interest groups to discuss concerns and work on strategy for improving legal protection for persons experiencing discrimination.

## International Human Rights Day

December 10, 1982, marked the 34th anniversary of the Universal Declaration of Human Rights proclaimed by the United Nations in 1948.

To commemorate December 10th, the Human Rights Commission hosted a day-long conference in Vancouver to examine a broad spectrum of human rights issues. The conference marked the first time in British Columbia that people working in human rights at the provincial, national and international levels came together to commemorate the Universal Declaration of Human Rights.

The conference opened with a panel presentation and discussion by Rev. Wes Maultsaid, Regional Coordinator of CUSO; Gene Errington, former B.C. Coordinator of International Women's Year; and Bill Wilson, past president of the United Native Nations. Under the title "International Human Rights – B.C. Perspectives", panelists covered a variety of issues from the denial of basic human rights in third world countries to the social inequalities faced by women and native peoples in Canada.

Workshops were held dealing with human rights legislation in Canada, the rights of senior citizens, racism, an international perspective on human rights, the economic consequences of sexism, civil and political rights, rights of the disabled, aboriginal rights, human rights and sexual orientation, and the education system.

The evening program featured a speech by Mr. Justice Thomas Berger called "Towards the Regime of Tolerance". Edward Webking, President of the Canadian Rights & Liberties Association; Diana Davidson, founder of Vancouver People's Law School; and Doug Saunders, University of British Columbia law professor, responded to Justice Berger's speech.

The overriding message at the conference was that we cannot afford to be complacent about Human Rights in our own country and throughout the world.

## Approval of Programs

Under Section 11(5) of the Human Rights Code, the B.C. Human Rights Commission may approve programs designed to prevent, eliminate or reduce disadvantages traditionally imposed on groups or classes of people when those disadvantages are based on such factors as race, religion, colour, ancestry, national or ethnic origin, sex, physical or mental condition or other group characteristics. Interested parties may contact the Human Rights Commission for information about approvals for such programs.

## Advisory Committees

The Commission is seeking to establish Advisory Committees created from constituency groups. The function of these Advisory Committees will be to keep the Commission informed of special concerns.

The first of these Advisory Committees was established in 1982:

*Advisory Committee of Native Indian People*

The first meeting of the Advisory Committee of Native Indian people was held at the Vancouver Indian Center on November 29, 1982. With the guidance of representatives of B.C. Native Indian People, the Commission intends to establish a close, on-going relationship with Native people in B.C., and to address the specific issues and concerns of Indian People.

## Community Participation

1982 was highlighted by the following addresses:

The Human Rights Coalition, B.C. Coalition for the Disabled, B.C. Association of Social Workers, Arta Samaj of B.C., Gitskan-Carrier Tribal Council, Indian People's Association Against Injustice, Affiliation of Multicultural Societies, Okanagan Women's Coalition, SUCCESS and Chinese Public Television, Status of Immigrant Women, U.B.C. Native Indian Students Union, U.B.C. Race Relations Institute and many others.

## Contests

### School Poster & Essay Contest

In 1982, the Commission sponsored a Human Rights Essay Contest for Secondary School Students and a Human Rights Poster Contest for Elementary School Students.

In the Essay Contest the winners were:

FIRST PRIZE ($500.00)
Donna Ranneris, 16,
Oak Bay Secondary School — Victoria
Title of Essay — "Myopia"

SECOND PRIZE ($250.00)
Dorothy Mijake, 16,
Oak Bay Secondary School — Victoria
Title of Essay — "How Discrimination Uprooted the Japanese Canadians in 1942"

THIRD PRIZE ($150.00)
Lori Thouger, 17,
Oak Bay Secondary School — Victoria
Title of Essay — "The Rights of Women in our Community"

The winners of the Poster Contest were:

FIRST PRIZE ($250.00)
Karen Grainger, Grade 7,
O'Connell Elementary — Penticton

SECOND PRIZE
Aleta Ibert, Grade 5,
Peterson Road Elementary — Langley

THIRD PRIZE
Claire Oldham, Grade 3,
Beaver Lake School — Victoria

# RESOURCE MATERIAL

Human Rights resource material is available at the Commission office located on the 5th floor, 700 W. Georgia Street in Vancouver. The mailing address is P.O. Box 10276, Pacific Centre, Vancouver, B.C. V7Y 1E8.

**Brochures**

Brochures published by the Human Rights Commission explain various aspects of human rights protection in British Columbia including information on pre-employment, employment, employment advertising, housing (tenancy), and public services.

**The Human Rights Commission Newsletter**

The Commission publishes a quarterly newsletter which is distributed free of charge.

The newsletter carries articles about current issues, reports on public meetings, profiles of personalities involved in human rights, reports of the settlements by the Human Rights Branch, plus guest editorials and announcements.

**Other Resource Material Available**

Human Rights Commission and Human Rights Branch Annual Report (1979; 1980; 1981)

Mandatory Requirement: a review of issues, attitudes and practices (1980), by Dr. John P. Herzog.

Proceedings of the Conference on Human Rights for British Columbians (1980).

Proceedings of the Human Rights Seminar on Employment and Children and Youth, (1981), a report of a two-day seminar held at U.B.C.

Recommendations for Changes to the Human Rights Code of British Columbia (1981).

Report of Seminar on Human Rights for Teacher Education Programs (1981), a report of a one-day seminar on human rights for educators.

Student Activity Kits (draft), a series of ten exercises designed to stimulate awareness of human rights among elementary school students.

**Films:**

"Perspectives on Human Rights" (1980) Human Rights Commission and Cable 10, an introduction to human rights, disabled persons, sexual orientation, senior citizens, Native Indians, women, visible minorities, the media, education and employment.

"World of Button", 30 minute children's film with accompanying teacher's guide.

# Human Rights Branch
# 1982 Annual Report

## INTRODUCTION

In 1974, The Human Rights Code of British Columbia was given Royal assent and the Human Rights Branch was established in the Ministry of Labour to enforce the Code.

Under the legislation, the Human Rights Branch is responsible for investigating complaints of discrimination and for endeavouring to reach settlements acceptable to all parties through a process of conciliation.

In 1982, the Branch handled 1,065 complaints. 642 were new complaints and 423 were carried over from 1981. During the year, 447 cases were closed.

During 1982, the Branch received over 10,300 inquiries. A significant number of these inquiries were from employers seeking information and advice about the provisions of the Human Rights Code. In many cases, policies and practices that might have led to a complaint were rectified through prior consultation. Some inquiries were from persons who had encountered problems outside the jurisdiction of the Code, and these people were referred to appropriate agencies.

The Human Rights Code of British Columbia is regulatory legislation that requires an attempt be made to achieve compliance by methods that avoid legal proceedings and adversarial situations whenever possible. The Code is designed to remedy rather than to condemn and to educate through the process of conciliation. In the spirit of the Code, the Branch works closely with the Human Rights Commission, using information and education to gain cooperation and goodwill and to secure voluntary compliance with the principles of human rights.

## POLICY GUIDELINES

In 1982, the Human Rights Branch adopted two sets of Policy Guidelines defining reasonable cause as it relates to physical and mental condition.

The Guidelines on Section 3 of the Human Rights Code clarify the protections in the Code by defining what constitutes reasonable cause for denial of services, facilities or accommodation to an individual because of a physical or mental condition.

The Guidelines on Section 8 were developed through an extensive consultative process with employers in the province and define what constitutes reasonable cause for excluding an individual on the basis of physical or mental condition in the area of employment.

The purpose of the Policy Guidelines is to set out a clear operational definition so that the intent and purpose of the Code can be understood and carried out effectively by employers and businesses in British Columbia.

Copies are available from the Branch on request.

# THE STAFF & BRANCH OFFICES

(as of December 31, 1982)

**Victoria Office**
2nd Floor, 880 Douglas St.,
Victoria, B.C. V8W 2B7
387-6861

Hanne Jensen, Director

Lois Akam, Manager of Administration
Gayle Cho, Secretary to the Chief of Compliance
Anne Crawford, Office Assistant
Rita Fayle, Office Assistant
Bruce Greenwood, Human Rights Officer
April Katz, Chief of Compliance
Flo Lavallee, Secretary to the Director
Dean McLeod, Assistant Human Rights Officer
Hugh McLeod, Human Rights Officer
Sheila Miller, Information Officer
Patti Steele, Administrative Assistant

Burnaby Office
Deer Lake Centre,
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Burnaby, B.C. V5G 4J6
291-7236

Nasim Babul, Office Assistant
Les Berkes, Human Rights Officer
Martha Campbell, Human Rights Officer
Norma Edelman, Human Rights Officer
Maurice Guilbault, Senior Human Rights Officer
Graham Hope, Information Officer
Florence Korstrom, Senior Secretary
Alicia Lawrence, Human Rights Officer
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Vancouver Human Rights Commission Office
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Josie Mayell, Intake Clerk
Peter Threlfall, Human Rights Officer

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Cranbrook, B.C. V1C 2N1
489-4761

Penny Goldrick, Human Rights Officer

Prince George Office
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Prince George, B.C. V2L 3H9
562-8131

Linda Bishop, Intake Clerk
Debi Pelletier, Human Rights Officer

Terrace Office
4548 Lakelse Ave.,
Terrace, B.C. V8G 1P8
638-8191

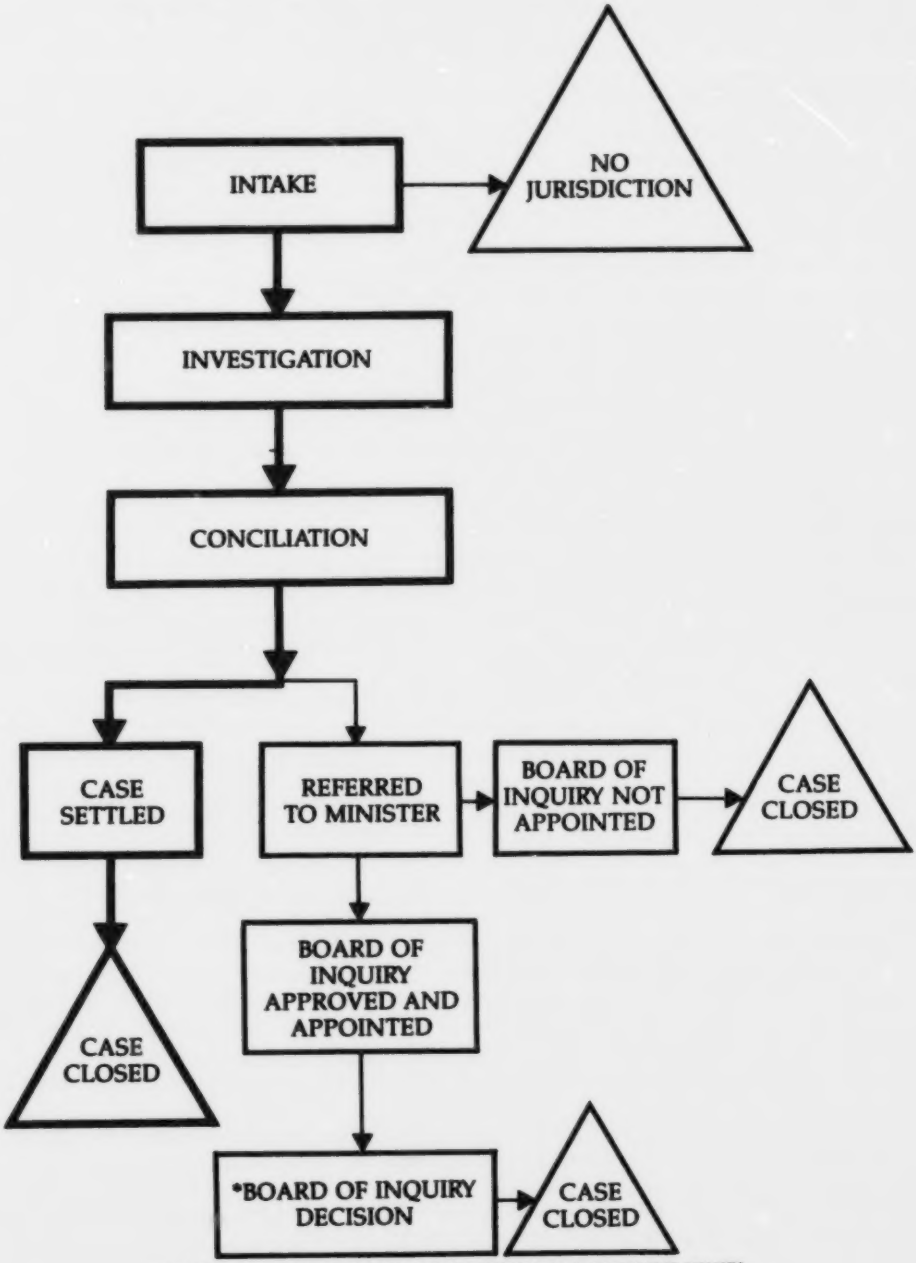
Ross Fedy, Human Rights Officer

# THE HUMAN RIGHTS BRANCH LIBRARY

The Human Rights Branch Library is located in the Branch's Victoria office at 880 Douglas Street. The library contains books, periodicals, reference materials, government publications and pamphlet materials on a variety of subjects relating to human rights.

The library is available to the public free of charge. There is a computerized catalogue to provide access to the library materials.

## Usual Steps
## In Processing Complaints




*A BOARD OF INQUIRY DECISION MAY BE APPEALED THROUGH THE COURTS.

# BOARDS OF INQUIRY

Section 16 of the Human Rights Code requires the Director to refer cases that cannot be settled to the Minister of Labour, who may or may not appoint a Board of Inquiry. A Board hears the evidence, interprets the statute and either dismisses the complaint or upholds it and orders compensation and restitution as provided in Section 17 of the Code.

## Board of Inquiry Orders

**After a Board of Inquiry has heard a complaint, it issues written reasons for its decision as well as an Order. In 1982, two such decisions were handed down:**

*Leslie James McCartney (complainant)*
*vs.*
*Woodward Stores (B.C.) Ltd. (respondent)*

The complainant alleged he was denied a promotion and subsequently fired because of a previous criminal conviction; a nine year old conviction for shoplifting of under $50.00, contrary to Section 8 of the Human Rights Code. The complainant was seventeen years old at the time of his conviction.

The respondent took the position that the complainant had withheld job-related information on an application for employment.

The Board ruled that the conviction was not related to the occupation or employment of the complainant and ordered that the complainant be reinstated to the same or an equivalent position. The Board also ruled that the conviction was related to the promotion and the respondent had reasonable cause to deny this promotion to the complainant.

The respondent has appealed the decision and the appeal will be heard in February 1983.

---

*Ukrainian Canadian Professional and Business Association of Vancouver (complainant)*
*vs.*
*William Konyk and Winnipeg Garlic Sausage Co. Ltd. (respondent)*

The complainant alleged that the respondent discriminated against persons of Ukrainian descent by publishing and displaying the derogatory name "Hunky" on business signs, advertisements, publications, commercial items and vehicles, contrary to Sections 2 and 3 of the Human Rights Code. The complainant also alleged that the publication and display of the term "Hunky" discriminated against persons of Ukrainian descent with respect to a service or facility customarily available to the public.

The Board concluded there had not been a publication or display which indicated "discrimination or intention to discriminate" contrary to the Human Rights Code. Although the Board found that the term "Hunky" constituted discrimination to some persons, it ruled that the Code had not been violated. All of the complaints against the respondent were dismissed.

## Court Decisions

**Any one of the parties may appeal a Board or Inquiry decision in cases where there is a question of law or jurisdiction. In 1982, the following three cases were appealed:**

*David Andruchiw (complainant)*
*vs.*
*Corporation of the District of Burnaby (respondent)*

The complainant alleged he was denied employment on the grounds of a medical condition unrelated to his ability to perform the work of a firefighter, contrary to Section 8 of the Human Rights Code.

Although a Board of Inquiry in December 1981 found that the complainant could perform the required duties of a firefighter, it was held that the respondent had reasonable cause for refusing to employ because the doctor who conducted the pre-employment medical examination identified the complainant as being a sub-standard risk.

In 1982 the Director of Human Rights Branch and the complainant appealed the decision to the Supreme Court of British Columbia. The appeal was dismissed.

---

*Robert Heerspink (complainant)*
*vs.*
*The Insurance Corporation of British Columbia (respondent)*

In 1976 the Insurance Corporation of British Columbia (ICBC) cancelled the complainant's house insurance because he had been charged with a criminal offence.

A Board of Inquiry ruled that the respondent had contravened Section 3 of the Human Rights Code by discriminating against the complainant without reasonable cause. The respondent appealed the decision to the Supreme Court of British Columbia, which ruled that the Insurance Act takes precedence over the Human Rights Code and that the respondent therefore had the right to cancel coverage.

The Human Rights Branch appealed this ruling, and in March of 1981, the British Columbia Court of Appeal decided that the Board of Inquiry was correct in its initial finding in favour of the complainant.

The respondent appealed this ruling and, in 1982, the Supreme Court of Canada upheld the Board of Inquiry's findings of discrimination against the Insurance Corporation of British Columbia.

The Supreme Court decision is a landmark not only for its interpretation of the British Columbia Human Rights Code, but also for its implications in all other Canadian jurisdictions.

---

*Margaret Caldwell (complainant)*

*vs.*

*St. Thomas Aquinas High School (respondent)*

The complainant's teaching contract was not renewed because she married a divorced Protestant. The complainant alleged that she had been discriminated against in employment on the basis of marital status, religion and without reasonable cause, contrary to Section 8 of the Human Rights Code.

In 1979 a Board of Inquiry ruled in favour of the respondent.

In 1980 the Supreme Court of British Columbia reversed this decision and awarded costs to the complainant.

In November 1981, the respondent appealed the Supreme Court decision to the B.C. Court of Appeal who, in 1982, remitted the matter back to the Board of Inquiry for re-hearing.

This Decision is being appealed to the Supreme Court of Canada by the Human Rights Branch and the complainant. A date for the appeal has not been set.

---

## Consent Orders

**The following Boards of Inquiry issued Consent Orders based on terms of agreement reached by the parties prior to a hearing.**

*Michael Darnell, representative of United Fishermen and Allied Workers' Union (complainant)*

*vs.*

*British Columbia Packers Ltd. (respondent)*

The complainant alleged on behalf of Eddy Ridley and other employees that the respondent company terminated employees at age 70, without reasonable cause.

The respondent eliminated its mandatory retirement policy and paid Eddy Ridley $8,500 in full settlement.

---

*Betty Lou Barrett (complainant)*

*vs.*

*Crestbrook Forest Industries Ltd. (respondent)*

The complainant alleged discrimination in employment (refusal to hire) on the basis of sex.

The respondent agreed to pay $1,500 to the complainant and to enter into an Affirmative Action program for women.

---

*Murray Blok (complainant)*

*vs.*

*University of British Columbia (respondent)*

The complainant alleged refusal to hire for the position of student residence advisor, on the basis of marital status.

The respondent eliminated its marital status criteria, agreed to base its selection on an applicant's willingness to live in the residence accommodation and paid the complainant $500.

---

*Mary Wong, Margaret R.T. Quitzon, Maria P. Cruz, Glen Joseph Ryan, Mary Sui-Yee Wong, Leona Kaori Namikawa, June Lim (complainants)*

*vs.*

*E.B. Misty Inc. (respondent)*

The complainants alleged differential treatment at a discotheque because of race.

The respondent apologized publicly, agreed to eliminate the practice immediately and paid each complainant $100.

---

## Decisions Pending

**The following Boards of Inquiry hearings were completed as of January 1983 and decisions are pending.**

---

*Randal Cook (complainant)*

*vs.*

*Ministry of Human Resources operating Tranquille Hospital (respondent)*

The complainant alleges he was denied employment as a health care worker without reasonable cause (physical condition).

---

*Bhupinder Singh Dhaliwall (complainant)*

*vs.*

*Plateau Mills Ltd. (respondent)*

The complainant alleges the respondent refused to hire him on the basis of race, place of origin and without reasonable cause.

---

*Trudy Ann Holloway (complainant)*

*vs.*

*Shop Easy Store #31 (respondent)*

The complainant alleges she was terminated from her employment because of sex and without reasonable cause (pregnancy).

---

*Love Sharma (complainant)*

*vs.*

*Yellow Cab Co. (respondent)*

The complainant alleges discrimination on the basis of race (refusal of the opportunity to purchase a cab).

---

# HUMAN RIGHTS COMPLAINTS EXAMPLES OF SETTLEMENTS

**The following cases, all conciliated by the Human Rights Branch in 1982, are examples of the Branch's investigation/settlement process:**

**Allegation**

A woman alleged that she was sexually harassed by the owner/operator of a hairdressing school where she was enrolled as a student.

**Investigation**

The respondent stated that he was a physically affectionate person who considered his conduct a friendly expression of positive feelings towards his students.

The issue in dispute throughout the investigation was whether the respondent's habitual behaviour towards his students constituted sexual harassment. Because the respondent's behaviour was unsolicited and unwelcome by the complainant, the complaint was substantiated.

**Result**

The respondent agreed to refund a portion of tuition to the complainant. In addition, he agreed to invite and make time available twice each year for a representative of the Human Rights Branch to address his students on the subject of the Human Rights Code. The respondent further confirmed in writing that all students attending his school would be treated fairly and without discrimination.

---

**Allegation**

A woman claimed she was refused employment because of the company's height and weight requirements.

**Investigation**

The investigation revealed that the complainant had worked for the respondent previously and had a poor work record, resulting in her not being rehired.

It was also found that, although the company did not discriminate against the complainant because of her size, the company's height and weight standards were unreasonable and discriminated against females in general.

**Result**

The respondent agreed to remove its height and weight restrictions.

---

**Allegation**

A man alleged he was denied continued employment because he had been charged with conspiracy to traffic in cocaine and marijuana.

**Investigation**

The investigation revealed that the complainant was terminated immediately after the company had learned of the charge, precluding any reason other than the fact that he had been charged with conspiracy to traffic in narcotics.

**Result**

The respondent agreed to pay the complainant $8,720.50 in full settlement of the complaint.

---

**Allegation**

A man alleged he was refused employment on the basis of an unrelated criminal conviction.

**Investigation**

The investigation revealed that the complainant had been charged and convicted of the possession of marijuana for the purpose of trafficking. He subsequently spent time in jail and received a $1,000 fine.

The respondent stated that the complainant was not hired for two reasons; poor employment history and social reasons (which included the complainant's previous criminal conviction).

**Result**

After consultation with legal counsel, the respondent agreed to pay the complainant $500 for personal suffering and damages; consider any future applications for employment from the complainant on the basis of his bona fide occupational qualifications; and support the word and spirit of the Human Rights Code.

---

**Allegation**

A woman alleged she was denied continued employment because of sex. Specifically, she alleged that her employment as a Shipper was terminated, reinstated, then again terminated.

**Investigation**

The investigation revealed that unnecessary and irrelevant demands were made on the complainant in her position as Shipper to make her look incompetent. When the complainant was terminated, a male with no previous experience was hired to replace her.

**Result**

Without admitting any liability, the respondent agreed to pay the complainant the sum of $4,411.68 in full settlement of the complaint.

---

**Allegation**

A Native Indian Man alleged he had been denied the opportunity to rent an apartment because of race, colour and ancestry.

**Investigation**

The respondent did not deny that the complainant had been refused tenancy because he was a Native Indian. The respondent said he would prefer to use the unit as a storage room rather than rent it to "just anyone."

The Native Indian Band Council pointed out that the complainant's experience was one of many incidents of discrimination in the area. The Council requested a settlement that would address the overall problem in a positive manner.

**Result**

In order to achieve a settlement, the respondent agreed to send a letter of apology to the complainant and to issue a press release in the local newspaper using the incident as a background to provide information about the Code and tenancy.

---

**Allegation**

A woman alleged she was denied a warehouse position because of her sex.

**Investigation**

The investigation revealed that the complainant was better qualified than most of the seven males hired by the respondent.

The complaint was supported by the evidence. The respondent company had never hired a female in their local warehouses and was unable to provide an adequate non-discriminatory reason why the complainant was refused a job.

**Result**

The respondent agreed to pay the complainant $1,800 in damages ($2,000 minus $200 withheld for tax purposes).

**Allegation**

A man alleged he was refused continued employment because of his age. Specifically, that he was forced into retirement prematurely because he was sixty-three years old. This forced retirement was a result of an overall company plan to streamline operations.

**Investigation**

The complainant had worked for the respondent for over thirty years. The complainant's history with the company showed continual advancement and promotion, affirming his worth as an employee.

Because of poor earnings and a reduced market, the respondent was forced into lay-offs and cut-backs. The respondent felt that early retirement for the complainant, who was due to retire in two years, would be advantageous to both parties. The complainant did not agree.

**Result**

The respondent agreed to pay the complainant $99,985.94 in full settlement. The settlement included banked vacation time, retirement allowance, all legal fees and a retirement gift.

---

**Allegation**

A complaint was filed on behalf of Native Indian employees of the respondent company. The complaint alleged that Native Indians were discriminated against on the basis of race, colour and ancestry, with respect to a condition of tenancy. Specifically, that the respondent company maintained separate housing for Native and non-Native employees. It was further alleged that the condition of the Native housing was much worse than that of the non-Native housing.

**Investigation**

The investigation revealed that, while the respondent company did not have a policy of designating housing along racial or ethnic lines, in actual practice different racial groups occupied separate housing facilities.

It was found that the housing units occupied by different racial groups were in varying states of repair; the row housing units occupied by Native Indian employees were in the worst condition.

**Result**

In spite of the current economic situation, a substantial amount of upgrading work had already been done. Although the complainant was reluctant to close this file until upgrading was completed, the Human Rights Branch recommended the file be closed.

The Human Rights Branch was assured by the respondent that the company planned to continue its upgrading.

---

**Allegation**

The complainant alleged that he was denied employment because of sex. He alleged that he was told a woman was preferred for the position.

**Investigation**

It was found that, at the time of the investigation, the respondent had no males working for her. After a lengthy discussion, the investigating officer persuaded the respondent that her hiring policy should be based on bona fide qualifications.

**Result**

The complainant wanted the respondent to apologize and to adopt a hiring policy that complied with the Human Rights Code. The respondent agreed; she apologized to the complainant and sent a letter to the Branch outlining a non-discriminatory policy.

# APPENDIX INDEX

**TABLE**


Total Inquiries Received (1979-82) ..... 1
Number of Inquiries by Month (1982) ..... 2
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Disposition of Complaints (1982) ..... 5
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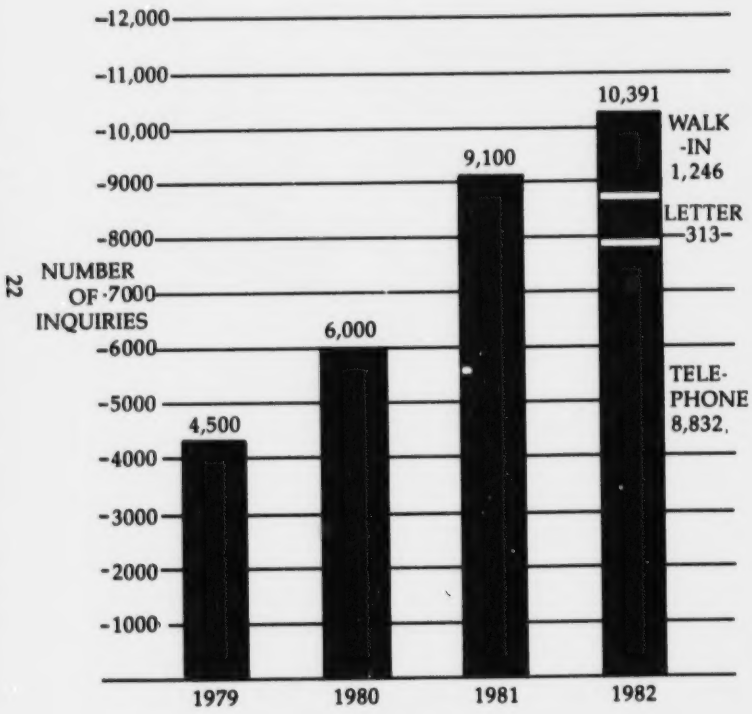
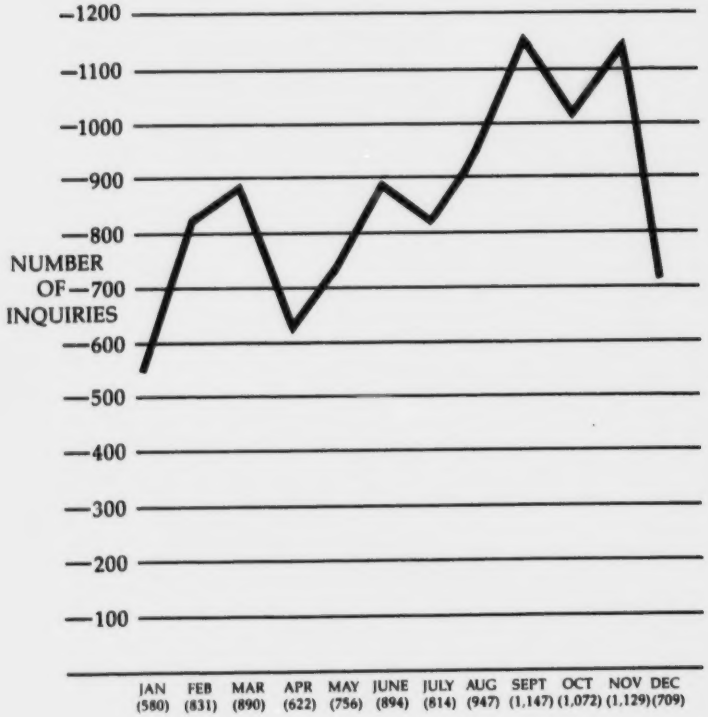
Complaints by Section of the Code (1979-82) ..... 7
Breakdown of Cases by Prohibited Grounds (1982) ..... 8
Breakdown of Complaints by Section of the Code (1982) ..... 9

# TABLE 1
## TOTAL INQUIRIES RECEIVED
## (1979-82)

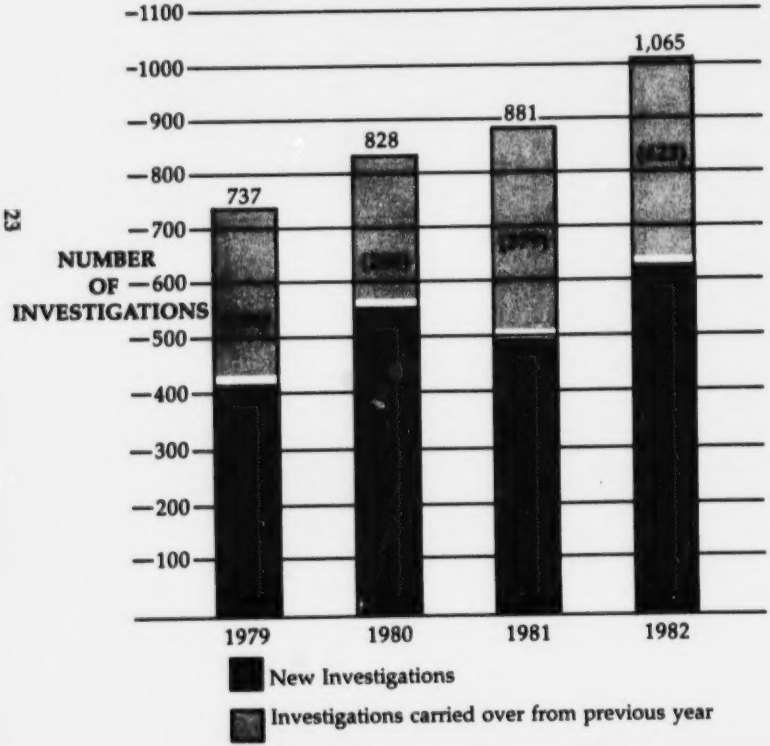



# TABLE 2
## NUMBER OF INQUIRIES BY MONTH
## (1982)

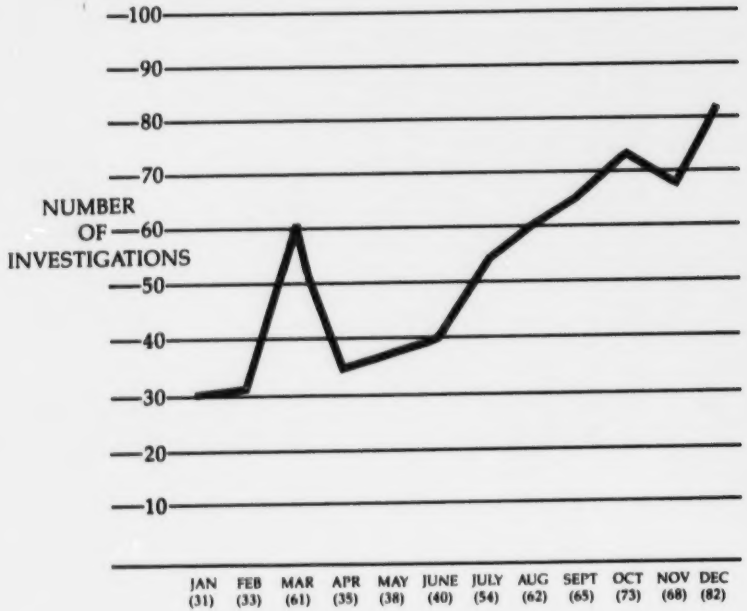


# TABLE 3
## Number of Investigations
## (1979-82)

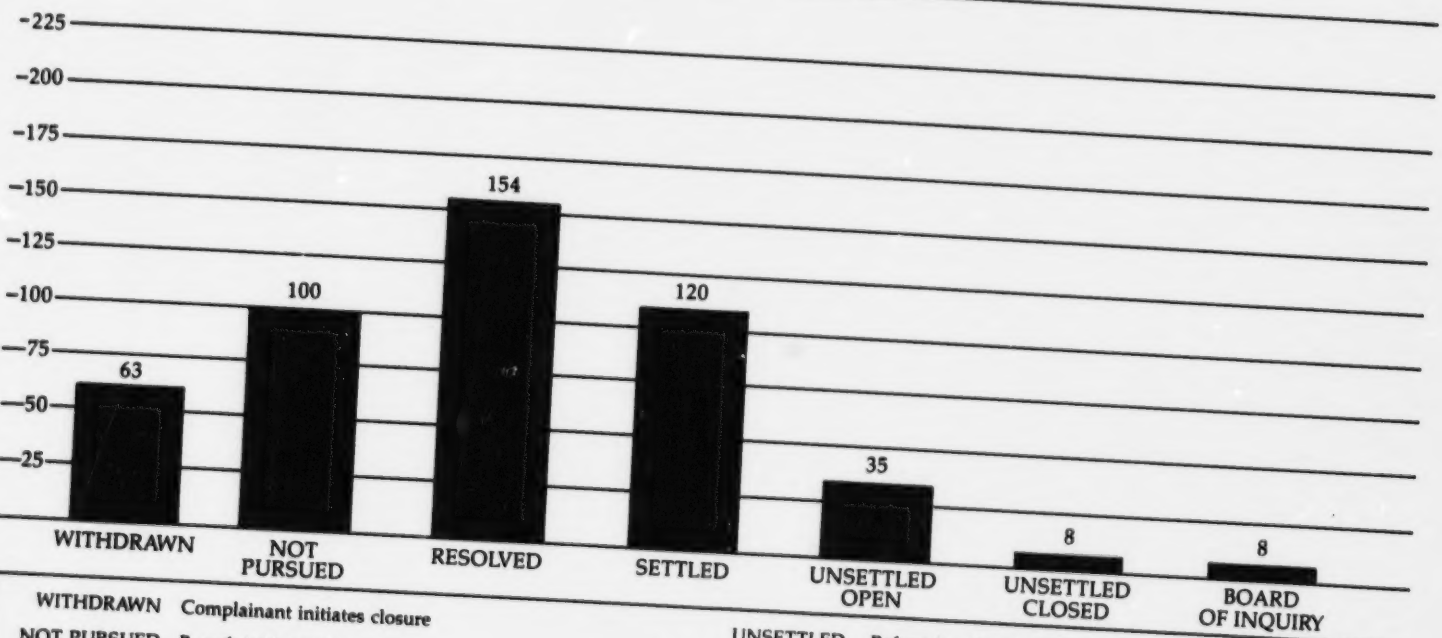
In 1982, 642 or 6% of 10,391 inquiries received fell under the jurisdiction of the Human Rights Code.




# TABLE 4
## Number of New Investigations by Month
## (1982)

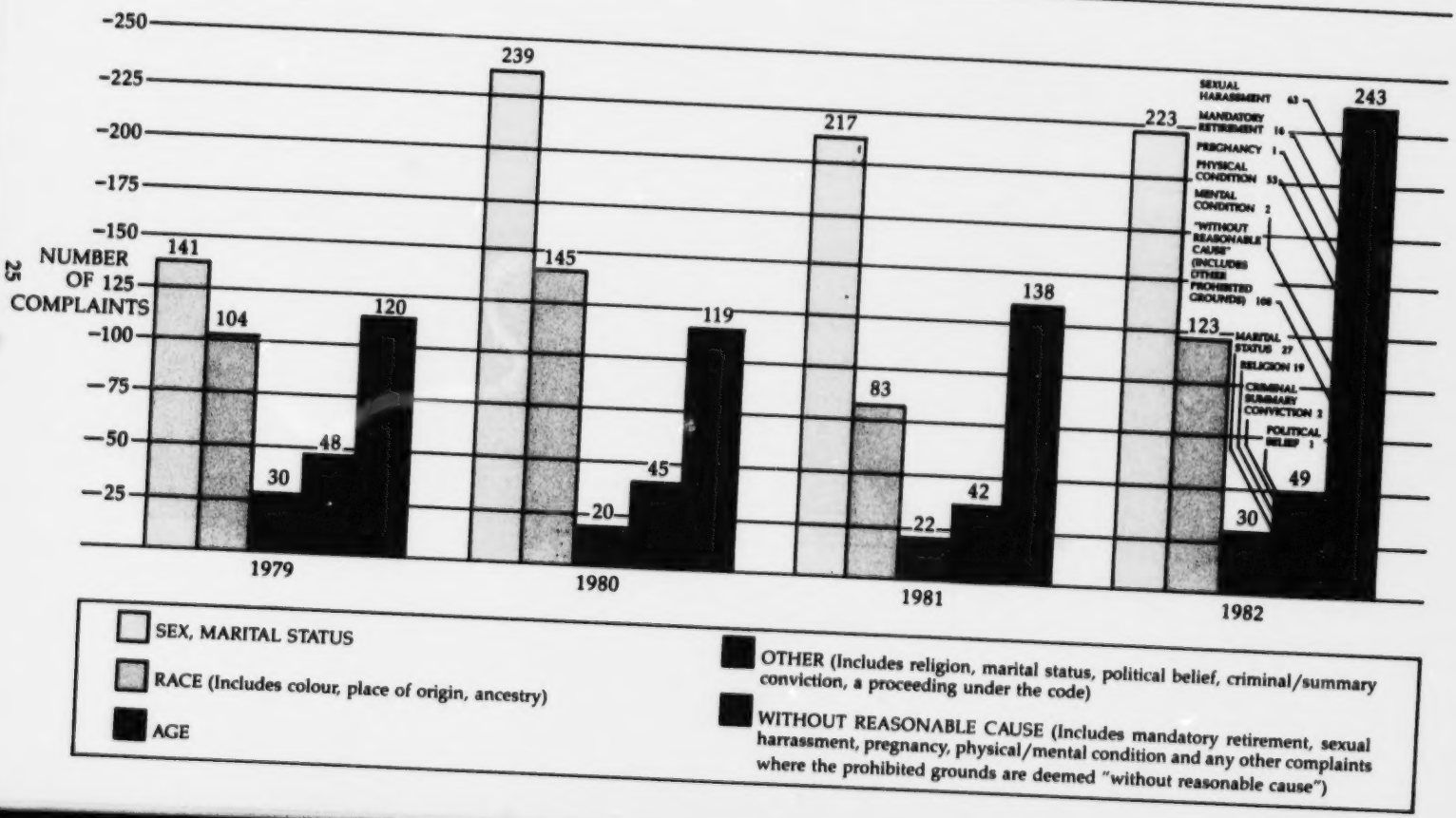


# TABLE 5
## Disposition of Complaints
## (1982)

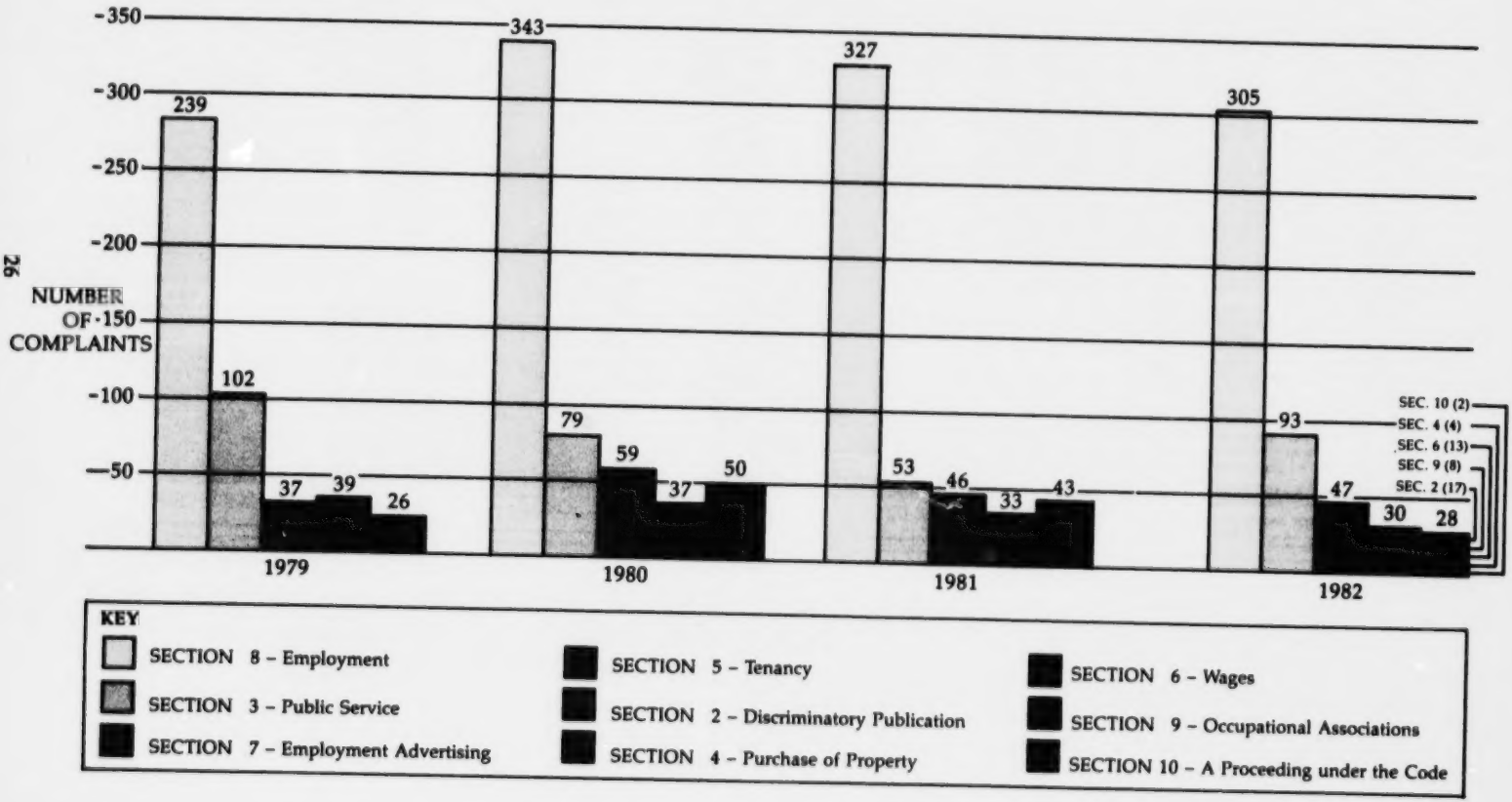



| | | | |
|---|---|---|---|
| WITHDRAWN | Complainant initiates closure | UNSETTLED OPEN | Referred to the Minister of Labour, decision pending |
| NOT PURSUED | Branch initiates closure | UNSETTLED CLOSED | Referred to the Minister of Labour, Board of Inquiry not approved |
| RESOLVED | No determination of contravention of the Human Rights Code but the parties are satisfied with the Branch's intervention | BOARD OF INQUIRY | Referred to the Minister of Labour, Board of Inquiry approved |
| SETTLED | A finding of contravention of the Code and settlement achieved | | |

# TABLE 6
## Complaints by Prohibited Grounds
## (1979-82)

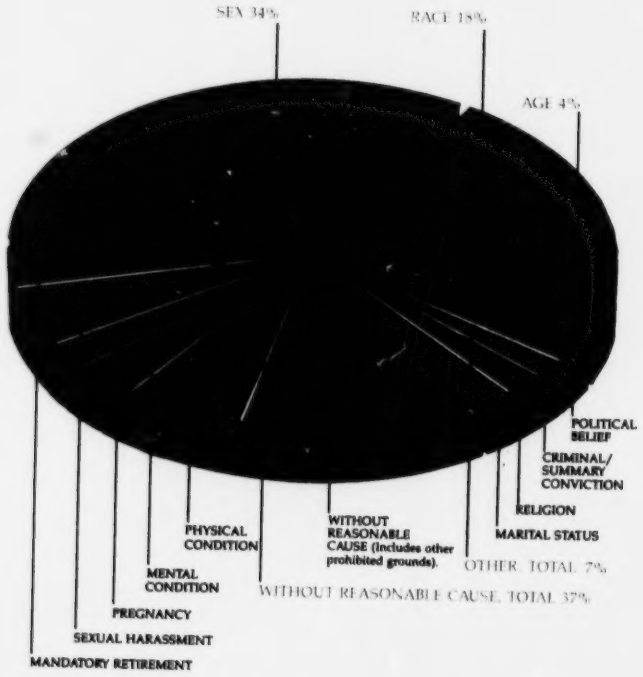


# TABLE 7
## Complaints by Section Of The Code
## (1979-82)



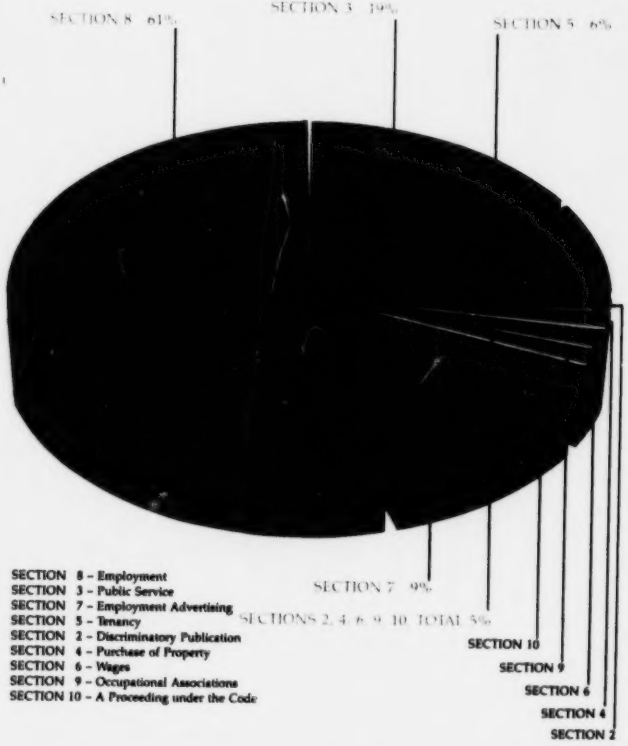
# TABLE 8

## Breakdown of Complaints by Prohibited Grounds (1982)




# TABLE 9

## Breakdown of Complaints by Section of the Code (1982)


SECTION 8 - 61%
SECTION 3 - 19%
SECTION 5 - 6%
SECTION 7 - 9%
SECTIONS 2, 4, 6, 9, 10: TOTAL 5%
SECTION 10
SECTION 9
SECTION 6
SECTION 4
SECTION 2
SECTION 8 – Employment
SECTION 3 – Public Service
SECTION 7 – Employment Advertising
SECTION 5 – Tenancy
SECTION 2 – Discriminatory Publication
SECTION 4 – Purchase of Property
SECTION 6 – Wages
SECTION 9 – Occupational Associations
SECTION 10 – A Proceeding under the Code

# HUMAN RIGHTS CODE

## CHAPTER 186

*[Act administered by the Ministry of Labour]*

*[Consolidated October 15, 1982.]*

**Interpretation**

**1.** In this Act

"age" means an age of 45 years or more and less than 65 years;

"employment" includes the relationship of master and servant, master and apprentice, and principal and agent, if a substantial part of the agent's services relate to the affairs of one principal; and "employ" has a corresponding meaning;

"employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;

"employment agency" includes a person who undertakes, with or without compensation, to procure employees for employers or to procure employment for persons;

"occupational association" means an organization, other than a trade union or employers' organization, in which membership is a prerequisite to carrying on a trade, occupation or profession;

"person" includes an employment agency, an employers' association, an occupational association and a trade union;

"trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

1973-119-1

**Discriminatory publication**

**2.** (1) No person shall publish or display before the public, or cause to be published or displayed before the public, a notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against a person or class of persons in any manner prohibited by this Act.

(2) Notwithstanding subsection (1), a person may, by speech or in writing, freely express his opinion on a subject.

1973-119-2

**Discrimination in public facilities**

**3.** (1) No person shall

(a) deny to a person or class of persons any accommodation, service or facility customarily available to the public; or

(b) discriminate against a person or class of persons with respect to any accommodation, service or facility customarily available to the public, unless reasonable cause exists for the denial or discrimination.

(2) For the purposes of subsection (1),

(a) the race, religion, colour, ancestry or place of origin of a person or class of persons shall not constitute reasonable cause; and

(b) the sex of a person shall not constitute reasonable cause unless it relates to the maintenance of public decency or to the determination of premiums or benefits under contracts of insurance.

1973-119-3; 1974-114-6.

**Discrimination in purchase of property**

**4.** No person shall

(a) deny to a person or class of persons the opportunity to purchase a commercial unit or dwelling unit that is advertised or in any way represented as being available for sale;

(b) deny to a person or class of persons the opportunity to acquire land or an interest in land; or

(c) discriminate against a person or class of persons about a term or condition of the purchase or other acquisition of a commercial unit, dwelling unit, land or interest in land,

because of the race, religion, colour, sex, ancestry, place of origin or marital status of that person or class of persons.

1973-119-4

**Discrimination in tenancy premises**

**5.** (1) No person shall

(a) deny to a person or class of persons the right to occupy as a tenant space that is advertised or otherwise in any way represented as available for occupancy by a tenant; or

(b) discriminate against a person or class of persons with respect to a term or condition of the tenancy of the space,

because of the race, sex, marital status, religion, colour, ancestry or place of origin of that person or class of persons, or of any other person or class of persons.

(2) Subsection (1) does not apply where a person advertises or otherwise represents that space is available for occupancy by another person who is to share with him the use of any sleeping, bathroom or cooking facilities in the space.

1973-119-5.

**Discrimination in wages**

**6.** (1) No employer shall discriminate between his male or female employees by employing an employee of one sex for work at a rate of pay that is less than the rate of pay at which an employee of the other sex is employed by that employer for similar or substantially similar work.

(2) For the purposes of subsection (1), the concept of skill, effort and responsibility shall, subject to such factors in respect of pay rates as seniority systems, merit systems, and systems that measure earnings by quantity or quality of production, be used to determine what is similar or substantially similar work.

(3) A difference in the rate of pay between employees of different sexes based on a factor other than sex does not constitute a failure to comply with this section if the factor on which the difference is based would reasonably justify the difference.

(4) No employer shall reduce the rate of pay of an employee in order to comply with this section.

(5) Where an employee is paid less than the rate of pay to which he is entitled under this section, he is entitled to recover from his employer, by action, the difference between the amount paid and the amount to which he was entitled, together with the costs, but

(a) no action shall be commenced later than 12 months from the termination of his services; and

(b) the action applies only to wages of an employee during the 12 month period immediately preceding the date of the termination of his services, or the date of the commencement of his action, whichever date occurs first.

1973-119-6

**Discrimination in employment advertisements**

**7.** No person shall use or circulate any form of application for employment, publish or cause to be published an advertisement in connection with employment or prospective employment, or make any written or oral inquiry of an applicant that

(a) expresses, either directly or indirectly, any limitation, specification, or preference as to the race, religion, colour, sex, marital status, age, ancestry or place of origin of a person; or

(b) requires an applicant to furnish any information concerning race, religion, colour, ancestry, place of origin or political belief.

1973-119-7; 1974-87-18; 1974-114-6

**Discrimination in respect of employment**

**8.** (1) Every person has the right of equality of opportunity based on bona fide qualifications in respect of his occupation or employment, or in respect of an intended occupation, employment, advancement or promotion; and, without limiting the generality of the foregoing,

(a) no employer shall refuse to employ, or to continue to employ, or to advance or promote that person, or discriminate against that person in respect of employment or a condition of employment; and

(b) no employment agency shall refuse to refer him for employment, unless reasonable cause exists for the refusal or discrimination.

(2) For the purposes of subsection (1),

(a) the race, religion, colour, age, marital status, ancestry, place of origin or political belief of any person or class of persons shall not constitute reasonable cause;

(b) a provision respecting Canadian citizenship in an Act constitutes reasonable cause;

(c) the sex of a person shall not constitute reasonable cause unless it relates to the maintenance of public decency;

(d) a conviction for a criminal or summary conviction charge shall not constitute reasonable cause unless the charge relates to the occupation or employment, or to the intended occupation, employment, advancement or promotion of a person.

(3) Nothing in this section relating to age prohibits the operation of any term of a bona fide retirement, superannuation or pension plan, or the terms or conditions of a bona fide group or employee insurance plan, or of a bona fide scheme based on seniority.

RS 1960-352.2; 1973-119-8; 1974-114-6.

**Discrimination by trade unions and employers' and occupational associations**

**9.** (1) Every person has the right of equality of opportunity based on bona fide qualifications in respect of his occupation or employment, and in respect of his member-

ship or intended membership in a trade union, employers' association or occupational association; and, without limiting the generality of the foregoing, no trade union, employers' association or occupational association shall, without reasonable cause in respect of the qualifications of that person,

(a) refuse membership to, expel, suspend or otherwise discriminate against that person; or

(b) negotiate, on behalf of that person, an agreement that would discriminate against him contrary to this Act.

(2) For the purposes of subsection (1),

(a) the sex, race, religion, colour, age, marital status, ancestry, place of origin or political belief of a person or class of persons shall not constitute reasonable cause; and

(b) the conviction of criminal or summary convictions charges shall not constitute reasonable cause unless the charges relate to the occupation, employment or membership, or to the intended occupation, employment or membership of a person.

(3) Nothing in this section relating to age prohibits the operation of a term of a bona fide retirement, superannuation or pension plan, or the terms or conditions of a bona fide group or employee insurance plan, or of a bona fide scheme based on seniority.

1973-119-9.

**Protection of complainant**

**10.** No person shall evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty on, or otherwise discriminate against, a person because that person complains, gives evidence or otherwise assists in respect of the initiation or prosecution of a complaint or other proceeding under this Act.

1973-119-10.

**Human Rights Commission**

**11.** (1) There is continued the commission known as the British Columbia Human Rights Commission, consisting of members the Lieutenant Governor in Council appoints to hold office during pleasure.

(2) The Lieutenant Governor in Council shall designate one member of the commission as chairman.

(3) The chairman and each member shall be paid remuneration for his services as a member of the commission the Lieutenant Governor in Council determines, and actual and reasonable expenses incurred by him in discharging his duties as a member of the commission.

(4) It is the function of the commission to

(a) promote the principles of this Act;

(b) promote an understanding of and compliance with this Act;

(c) develop and conduct educational programs designed to eliminate discriminatory practices; and

(d) encourage and coordinate programs and activities promoting human rights and fundamental freedoms.

(5) The commission may approve programs of government, private organizations or persons designed to promote the welfare of any class of individuals, and any approved program shall be deemed not to be in contravention of this Act.

(6) Where

(a) a person contravenes this Act or is discriminated against contrary to this Act; and

(b) every person who is directly affected by that discrimination or contravention agrees to a settlement in respect of the discrimination or contravention,

the commission may, on application, approve the settlement, and, thereupon, the settlement shall be deemed not to be in contravention of this Act.

(7) The Lieutenant Governor in Council may, by order, make regulations adding to or extending the functions of the commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

1973-199-11.

**Director and employees**

**12.** (1) The Minister of Labour shall appoint, in accordance with the *Public Service Act*, a director and other employees required for this Act.

(2) The director shall act as

(a) chief executive officer of the commission; and

(b) registrar for the purpose of ensuring that complaints are dealt with in accordance with this Act.

(3) The director has, for the purpose of an inquiry under this Act, the power of a commissioner appointed under Part 2 of the *Inquiry Act*.

1973-119-12.

**Boards of inquiry**

**13.** (1) The Minister of Labour shall appoint persons to a panel who shall be eligible to serve on boards of inquiry.

(2) The Lieutenant Governor in Council may determine the rate of remuneration of members of the panel.

1973-119-13.

**Annual reports**

**14.** (1) The director shall annually prepare, with the commission, and submit to the Minister of Labour a report of the activities of the commission, the director and boards of inquiry during the preceding calendar year.

(2) The Minister of Labour shall submit at once the report to the Legislative Assembly if it is in session and, if not, within 15 days of the commencement of the next ensuing session.

1973-119-14.

**Allegations**

**15.** (1) Where the director

(a) receives a complaint alleging that a person, whether or not he is the complainant, has been discriminated against contrary to this Act;

(b) receives a complaint alleging that a person has contravened this Act;

(c) alleges, whether or not a complaint is received, that a person has contravened this Act or that a person has been discriminated against contrary to this Act; or

5

(d) receives from the commission an allegation that a person has contravened this Act or that a person has been discriminated against contrary to this Act,

the director shall at once inquire into, investigate and endeavour to effect a settlement of the alleged discrimination or contravention.

(2) The director, or a person authorized in writing by him, may, for the purposes of inquiry, investigation or endeavour under subsection (1),

(a) inspect and examine all books, payrolls, personnel records, registers, notices, documents and other records of any person that in any way relate to the
  (i) wages, hours of labour, applications for employment, or conditions of employment affecting any person;
  (ii) membership of any person in or an application by any person for membership in a trade union;
  (iii) accommodation, services or facilities customarily available to the public;
  (iv) occupancy of any space under a tenancy agreement; and
  (v) acquisition of a commercial or dwelling unit or of land or an interest in land;
(b) take extracts from or make copies of any entry in those books, payrolls, personnel records, registers, notices, documents and records;
(c) require any person to make or furnish full and correct statements, either orally or in writing, in whatever form is required, about matters referred to in paragraph (a) and, in the discretion of the director or person authorized, require the statements to be made by the person on oath or to be verified by an affidavit;
(d) require any person to make full disclosure, production or delivery to the director or person authorized, at a time and place specified, of
  (i) all records, documents, statements, writings, books, papers, extracts from them or copies of them that the person has in his possession or control; or
  (ii) other information, either verbal or in writing, and either verified on oath or otherwise as directed,

  that may in any way relate to matters referred to in paragraph (a);
(e) make the examination and inquiry that may be necessary to ascertain whether this Act is complied with;
(f) exercise other powers necessary for carrying this Act and the regulations into effect; and
(g) administer all oaths and take all affidavits required or authorized to be made under this section, and to summon any person to give evidence in connection with any investigations, inquiry or examination.

1973-119-15; 1974-87-18.

**Reference to board of inquiry**

**16.** (1) Where the director is unable to settle an allegation, or where he is of the opinion that an allegation will not be settled by him, the director shall make a report to the Minister of Labour, who may refer the allegation to a board of inquiry and

(a) appoint a board of inquiry consisting of one or more panel members appointed under section 13; and

(b) fix a place at which and a date on which the board of inquiry shall hear and decide on the allegation.

(2) A board of inquiry and every member of it has, for the purposes of a reference under subsection (1), the powers of a commissioner appointed under Part 2 of the *Inquiry Act*.

(3) For the purposes of a reference under subsection (1), the persons who are entitled to be parties to a proceeding before the board of inquiry are

(a) the director, commission or person who made the allegation;

(b) the person alleged to have been discriminated against contrary to this Act;

(c) the person who is alleged to have contravened this Act; and

(d) any other person who, in the opinion of the board of inquiry, would be directly affected by an order made by it.

(4) A board of inquiry shall give the parties opportunity to be represented by counsel, to present relevant evidence, to cross examine witnesses, and to make submissions.

(5) The board of inquiry may receive and accept, on oath, affidavit or otherwise, evidence or information that it, in its discretion, considers necessary and appropriate, whether or not the evidence or information would be admissable in a court of law.

(6) The Lieutenant Governor in Council may, by order, establish rules governing the procedure of a board of inquiry.

1973-119-16.

**Orders by board of inquiry**

**17.** (1) Where a board of inquiry is of the opinion that an allegation is not justified, the board may dismiss the allegation.

(2) Where a board of inquiry is of the opinion that an allegation is justified, the board of inquiry shall order a person who contravened this Act to cease the contravention, and to refrain from committing the same or a similar contravention, and may order

(a) a person who contravened this Act to make available to the person discriminated against the rights, opportunities or privileges which, in the opinion of the board, he was denied contrary to this Act;

(b) the person who contravened this Act to compensate the person discriminated against for all, or the part the board determines, of any wages or salary lost, or expenses incurred, by the contravention of this Act; and

(c) where the board is of the opinion that the person

(i) who contravened this Act did so knowingly or with a wanton disregard; and

(ii) discriminated against suffered aggravated damages in respect of his feelings or self respect,

the board may order the person who contravened this Act to pay to the person discriminated against the compensation , not exceeding $5,000, that the board may determine.

(3) A board of inquiry may make an order as to costs it considers appropriate.

(4) Where an order is made under subsection (3) or subsection (2) (b) or (c), the commission or the person who was discriminated against and in whose favour the order is made may file a certified copy of the order with the Supreme Court or with a County Court,

and, thereupon, the order has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the appropriate court for the recovery of a debt of the amount stated in the order against the person named on it.

1973-119-17.

**Appeals**

**18.** An appeal lies from a decision of a board of inquiry to the Supreme Court on any

(a) point or question of law or jurisdiction; or

(b) finding of fact necessary to establish its jurisdiction that is manifestly incorrect,

and the rules under the *Offence Act* governing appeals by way of stated case to that court apply to appeals under this section, and a reference to the word "justice" shall be deemed to be a reference to the board of inquiry.

1973-119-18.

**Style of cause for proceedings**

**19.** (1) Proceeding under this Act in respect of a trade union, employers' organization or occupational association may be taken in its name.

(2) An act or thing done or omitted by an employee, officer, director, official or agent of any person within the scope of his authority shall be deemed to be an act or thing done or omitted by that person.

1973-119-19; 1981-21-123.

**Privileged information**

**20.** No person who, on behalf of the commission or the director, collects information for the purposes of this Act shall,

(a) except in an appeal under section 18, be required by a court to give evidence respecting that information; or

(b) be required by a court to give evidence respecting any communication made to him by a person who is alleged to have contravened this Act.

1973-119-20

**Irregularity**

**21.** No proceeding under this Act is invalid by reason of any defect in form or any technical irregularity.

1973-119-21.

**Private organizations exempt**

**22.** Where a charitable, philanthropic, educational, fraternal, religious or social organization or corporation that is not operated for profit has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by a common race, religion, age, sex, marital status, political belief, colour, ancestry or place of origin, that organization or group shall not be considered as contravening this Act because it is granting a preference to members of the identifiable group or class of persons.

1973-119-22.

**Limitations**

**23.** (1) No allegation under this Act shall be made more than 6 months after the date of the alleged contravention or, where a continuing contravention is alleged, after the date of the last alleged contravention of this Act.

(2) No claim in respect of compensation or damages because of a contravention of this Act shall be made with respect to a contravention that occurred more than 12 months before the allegation is made.

1973-119-23.

**Offence**

**24.** (1) Subject to subsection (2), every person who contravenes this Act, or who fails to obey an order of a board of inquiry, commits an offence and is liable on conviction to a fine of not more than

(a) $1,000, if an individual; and

(b) $5,000, if a corporation, trade union, employers' organization or employment agency.

(2) Where a board of inquiry has made an order under section 17 (2) (b) or (c) against a person who has contravened this Act, that person is not liable under subsection (1) for the same contravention.

1973-119-24.

**Binds Crown**

**25.** This Act applies to and binds the Crown in right of the Province.

1973-119-25.

**Expenses**

**26.** [Repealed 1981-15-104, proclaimed effective November 26, 1981.]

1973-119-26.

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